

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRUCE GUESS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-cv-04558-TWP-TAB
)	
LEVINE,)	
WEXFORD HEALTH CARE SERVICES INC.,)	
)	
Defendants.)	

Entry Screening Complaint and Directing Further Proceedings

Plaintiff Bruce Guess is a prisoner currently incarcerated at Pendleton Correctional Facility. He has sued Dr. Levine and seeks injunctive relief and money damages.

I. Screening of the Complaint

Because Mr. Guess is a “prisoner” as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(b) to screen his complaint before service on the defendant. Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief.

Mr. Guess alleges that Dr. Levine is liable to him under the Eighth Amendment. Mr. Guess explains that he has a long history of psychological problems and that Dr. Levine has been deliberately indifferent to his need for medications. Specifically, on January 13, 2018, Mr. Guess was first evaluated by Dr. Levine and over time, Dr. Levine discontinued Mr. Guess’s medications. As a result, Mr. Guess’s “life threatening brain injury” has gone untreated. Dkt. 2 at

p. 3. Mr. Guess seeks to restore appropriate medications and balancers and is seeking money damages.

The complaint has been screened and the Eighth Amendment claims set forth above shall proceed as submitted.

The **clerk is directed** to terminate Wexford Health Care Services, Inc., as a defendant on the docket. It does not appear that the defendant's alleged employer was intended to be a defendant in this action because there are no allegations alleged against it.

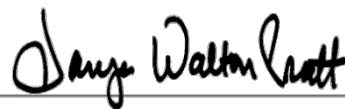
If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court he shall have **through February 12, 2020**, in which to identify those claims.

II. Service of Process

The **clerk is directed** pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendant Dr. Levine in the manner specified by Rule 4(d). Process shall consist of the complaint filed on November 13, 2019, dkt [2], applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

IT IS SO ORDERED.

Date: 1/17/2020



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

BRUCE GUESS
167164
PENDLETON - CF
PENDLETON CORRECTIONAL FACILITY
Electronic Service Participant – Court Only

Dr. Levine
PENDLETON CORRECTIONAL FACILITY
4490 West Reformatory Road
PENDLETON, IN 46064

Courtesy Copy to:

Douglas Bitner
Katz Korin Cunningham PC
334 North Senate Avenue
Indianapolis, IN 46204-1708